

4/19/07
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BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING

January 22, 2007

**Acton Memorial Library
7:00 P.M.**

Present: Chairman Foster, Andrew Magee, Peter Ashton, Lauren Rosenzweig, Mr. Hunter was absent. The Town Manager and Assistant Town Manager were present. The meeting was televised.

CITIZENS' CONCERNS

Tom Michleman presented the Board a \$1,000 check to be used for the Bruce Freeman Rail Trail (BFRT). PETER ASHTON Moved to accept the donation. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

Will Tuffin spoke about cell towers and wanted to comment and ask the Board for support regarding cell tower zoning.

PUBLIC HEARINGS & APPOINTMENTS

OPERATIONAL MINUTE – Don reported on the MMA meeting. He noted his visit to the Standard and Poor booth. Our rating is AA+ and we hope that it will get to the AAA.

COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, BENGT MUTEN

Lauren asked him about commuter rail and parking issues and spoke about the needs groups in town that have been formed to look at the need for transportation. She wanted to know if he had any public transportation or shuttle van solutions. Lauren noted that committees have been formed to review transportation needs.

Peter asked him about his areas of expertise. Mr. Muten wanted to see more walking and biking about town. Andy thanked him for volunteering.

LAUREN ROSENZWEIG – Moved to appoint Mr. Muten with a term to expire 6/30/09. PETER ASHTON – second. UNANIMOUS VOTE

BOARD OF ASSESSORS OVERSIGHT MEETING

They did not come to the meeting

COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, HARVEY BERLINER

Mr. Berliner wanted to see Acton use its resources. He is aware of improvements that could be made about the way transportation is handled. Peter asked him about the grant to move people about town. He echoed that we need a plan based on the reality. He agreed that there is a need for transportation during the day, but noted that we are not like Hudson, and felt it was going to be a hard sell for a bus traveling around town. Walter asked about side walks. He felt

that walking is crucial. He lives in Indian Village and the students use the side walk to go to school. He supports side walks around town on 2A.

ANDY MAGEE - Move to appoint Mr. Berliner as an Associate Member to expire 6/30/07.
PETER ASHTON – second. UNANIMOUS VOTE.

BOARD OF HEALTH OVERSIGHT MEETING

Bill McInnis introduced the members to the Board. Bill presented a slide show. They are in need of one member. They are having trouble keeping nurses. The Nursing Service is self funding. Peter thanked them for their work. Peter commented on the accomplishment slide. It was noted that we put those figures in the Town Report. Peter asked about outreach. Bill asked about the ability to make presentation at Town Meeting, Web site and mailing with the tax bills. Peter asked Bill about the number of hazardous waste days provided. Bill said that there are a lot of models and some towns accept hazardous waste through the week. He noted that the number of those multiple days the waste goes down and are not well attended as they won't have to wait a year. He felt that two days if scheduled properly will keep the attendance up. Bill noted that we don't charge for this service. Walter thanked them for their good work during the year. He noted that it is a very important issue that needs support and help of the BOH to have safe soils and water in Town.

Andy thanked them. Andy noted the need for Grace materials review and thanked them for their time. Andy asked about possible bylaws to address blasting. Bill noted that the Fire Department permits this activity. Andy asked about training and if they had any attempt to get more training. Bill noted that in other communities they elect the BOH, and want to see people who are certified. Lauren asked that they do more outreach about septic systems maintenance.

VOLUNTEER COORDINATING COMMITTEE OVER SIGHTMEETING

Nancy Whitcomb introduced Mr. Bruschi and Jean Schoch. Nancy said that they are amazed by the qualifications of those who fill out their VCC Forms. Lauren thanked them for their work and asked about her needs on the committee. They could use 7 and have 4. Lauren thanked them for the resume's that have been submitted. Peter thanked them for their work. Walter asked about putting more information on the Web site, he wanted to plant the seed to use the Web site.

COMMITTEE INTERVIEW, BOARD OF ASSESSORS ALTERNATE MEMBER, PAUL WEXLEBLAT

Lauren said that he had done this before and thanked him for volunteering. Paul asked if there were any problem with him doing work with the Police Department as dispatching and serving on the Board of Assessors. The Manager will check this out. PETER ASHTON – Moved to appoint him as an Alternate Member of the Board of Assessors with a term to expire 6/30/09. LAUREN ROSENZWEIG – second.. UNANIMOUS VOTE

COMMITTEE INTERVIEW, HISTORIC DISTRICT COMMITTEE, APPOINTMENT, ELLIE HALSEY

Peter thanked her for volunteering. She said that she wanted to be sure Brokers let potential clients know that if they are looking at properties that are in a Historic District there are restrictions. Andy did not have any additional questions but noted the District signs were provided by the use of CPC monies. Lauren asked that she continue to preserve these properties. ANDREW MAGEE - Moved to appoint Ellie Halsey as a Member of the Historic District Commission to expire 6/30/09. PETER ASHTON – second. UNANIMOUS VOTE.

NOT YOUR AVERAGE JOE'S, INC. CHANGE OF MANAGER REQUEST

Walter asked about the request with regard to the change in liquor Manager. Mr. Labourene has been voted to take over the Acton site. He is aware of the service and liquor issues.

Walter asked about his education (TIPS) training for service of alcoholic beverages. Mr. Labourene has attended, and has received a passing score.

Walter noted that Acton is very serious about the service of liquor. Mr. Labourene personally instructs new employees and expectations of service.

PETER ASHTON - Moved to approve the request for Change of Manager. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

FY08 BUDGET DISCUSSION

Peter noted that he had outlined his views in his tax relief in 2008 memo. He believes the Town has the split from ALG. He proposed a hold harmless budgetary proposal. Peter said we have a great opportunity to pay back the citizens for their past support. State Aid is coming in higher, there is Free Cash of 2 million and the NESWC Fund. Peter said we utilize \$600,000 in Free Cash as essential to replace the amount that would be charged. We will be able to reduce the rate to 1%. Peter took the final ALG plan that has been pushed out for 3 years. Peter felt that we could address 09 and 10. Peter hoped that the rest of the Board could support this plan. School Committee and Fin Com has also voted to support.

Lauren too wanted to save tax payers money, however, she doesn't think it is apples to apples and then you end up having to ask for an increase. Lauren wanted a long term plan to address this and did not want to then bump it up in the next year. Lauren wanted to make projections further out.

Andy echoed some of Lauren's statement. Andy asked about the use of NESWC monies.

Peter said it is less than half and we don't know the liabilities at this time.

Walter agreed on balance it is something we can do, but wants to use the \$600,000 Free Cash. Allen Nitschelm wanted to know if the million was going to capital and is the Board happy with that. As an individual he asked Peter if they were going to ask the voters to make up the \$600,000, Peter said yes, next year.

Peter noted that as a tax payer he would like the \$600,000 not on his tax, and even if it were for a year, the funds could be invested for that year.

Bill Mullin felt that we should support taking the relief this year. In long term view, three years ago had us with a 6 million override for this year. From the Fin Com perspective, we should give the taxpayers a thank you. It is also a way to say we are not going to tax to the max. Bill also noted the third element that the capital plans should be within Prop 2 ½. PETER ASHTON – Moved to support the plan as outlined in this memo. Motion failed 2/2 Andrew No. Lauren, no. Andy asked about how to revisit this and Walter said that the change can be made at ALG. Walter noted this could be discussed at the Special meeting on Friday.

Lauren wanted to see the split increasing and asked that ALG know we want to see the split percentage to continue to increasing toward the Municipal Budget.

OPERATING BUDGET COMMENTS - Peter asked that the \$20,000 be added back into the Celebrations line item. Peter suggested \$25,000 go out of the budget to serve another need like the Celebrations. Peter suggested the Overtime be reduced with \$420,000 going forward. Peter noted that we should increase the paving account to reinstate the money to that account.

Walter spoke about salary schedules and retention of employees. Walter asked about the magnitude of this and how to retain our Human Resources. Staff is thin, and we need to address this. Walter wanted information if this could be budgeted and addressed. Walter also spoke about the Senior Center Staff request. He also spoke about the Cops Fast Grant program.

Andy agreed with the overtime reduction in the Fire Department and the W. R. Grace issue caught his attention. He noted Jim Okun's invoices are running \$85,000 or \$90,000 per year.

Lauren supports most of the operating changes that Peter suggested.

CAPITAL BUDGET DISCUSSION

Lauren asked if we could put off the cemetery paving until next year. Lauren asked about Command Post Technology project, she further asked about the Unified Command project, Lauren asked for more info on this for next meeting. She agreed with the ordering of the FY08 Capital Budget Request at this time.

Andy spoke about the 468 Main Street property and could not support as a member of CPC or as a Selectmen. Lauren was concerned that this is a worthwhile project and suggested contacting the owner to see if the price can be reduced.

Andy spoke about sidewalks and asked if this was a commitment for exploring bidding outside to get an idea of the costs.

Andy asked about the Traffic light and wanted to raise the issue of a donation from HAARTZ for improvements at that intersection.

Andy agreed with Lauren about the paving at the Cemetery.

Walter wanted to restore the Thursday evening hours at the Library. Walter also was supportive of the purchase of the 468 Main Street House. Walter noted that this will not be funded by CPA. He suggests we bond this project. It is an opportunity we need to take. Walter does not support the cemetery resurfacing. He was pleased with the GIS and Traffic plans as well as the Master Plan.

Peter said that he refigured Don's list. He suggested bonding for some of the larger items which would move us further down the list. He wanted to look at GIS and North Acton Fire Station as well as the Cemetery Building. Senior Center employee, we need to look at this. He spoke about bonding the 468 house and wanted to see more of a plan of what we proposing. Peter spoke about Hayward Road lights and possibility of using Chapter 90 Funds. He spoke about the need to fund another study to see what the target number is. We know we are way below the Market, but we need to fund for \$30,000 for review of staff salaries, and would like it added.

Lauren asked if Bridge repairs can be done next year.

Walter wanted a 1 1/2 time slot at our next meeting for budget discussion and Warrant discussion.

Peter asked about Senior Tax Relief Legislation passed by the legislature this year and asked staff to look into acceptance at the next Election.

OBSOLETE MATERIALS DISPOSAL, ACTON MEMORIAL LIBRARY

Don explained the issue of disposing of obsolete materials. Don said that selling them in the library for fifty cents has not seemed appropriate. Lauren noted that some of them are discarded because of inaccuracy.

Ann Chang noted that some libraries put out a rack, but some are too shabby or unsuitable to be sold.

Walter wanted to take a look at the ability of recycling them down. He wanted to see if there is any way we can have them sold.

Walter wanted to explore other avenues before going forward. Maybe a call to Littleton and if the person who took books from Littleton doesn't want our books, then we dispose of them.

Andy suggested offering a pick through day, and have the left over books disposed as soon as possible.

LAUREN ROSENZWEIG - Moved that after having a "pick through day", the left over books be disposed of as soon as possible. ANDREW MAGEE – second. UNANIMOUS VOTE.

SCHOOL COMMITTEE RESIGNATION, PROCESS FOR FILLING VACANCY

The resignation of Marie Alterie of the Acton School Committee effective in January, has left a vacancy. Walter discussed what process will be needed for appointment or election. Walter noted the policy and process issues. Walter asked the Town Manager for his input and need for a vote. Don said that the State feedback is not very useful. Don said that we need to convene a meeting with the School Committee and indicate that the position that is up for Election again this March.

It was suggested that we Move to handle this in accordance with the provision of the law.

Walter wanted to address it in this year's election cycle. Direction is contact SC regarding their desire to have an appointed person immediately. Walter asked that Don go back to counsel to see how it works. Lauren wanted to know if we could have it on the ballot as two three year appointments and one 2 year appointment. When we are holding our general election.

Peter suggested we could convene a special meeting to establish direction. They discussed a meeting this Friday to resolve this. We need 48 hours notice to have it posted.

SUBURBAN MOBILITY GRANT PROPOSAL

Lauren summarized the meeting that Jim Yarin attended regarding transportation planning. We are eligible to apply for this Grant. TAC is willing to get it in by the Feb 9 deadline. The Town Manager will sign off. She asked that we try to go forward, and noted there will be a requirement for matching funds. Walter discussed the issues mentioned in Jim's memo. Walter supports this and we can put in the application so we do not miss the funding cycle. Walter was not sure whether we go forward as we will need the matching funds. Lauren thinks we should have more public outreach and getting all the stakeholders involved, and she suggested we wait until next year.

Andy wanted to be sure it was viable and if so we move forward. Lauren noted we need help from our legislators, businesses and United Way.

Peter agreed it was premature. He asked that someone put together potential routes and he feels that is where we will find out the cost. Lauren asked for staff help but did not want to stretch staff too much. Lauren noted that MBTA will allow them to leave surveys on the train.

2007 ANNUAL TOWN MEETING DATES

Walter discussed the change in Town Meeting. Staff has proposed that we convene on April 2 only to adjourn to April 9th, 10, 11, and 12 if needed. Peter said he will be out of the state on the 11th. PETER ASHTON - Moved we set the date for April 2 only to adjourn to resume on April

9th. LAUREN ROSENZWEIG. Second. UNANIMOUS VOTE. Lauren asked that we get the change out to the public.

VETERANS' DAY CEREMONY ISSUES

Lauren spoke about last year's ceremony and felt that perhaps the word did not get out about the ceremony. She said we had difficulty with the sound system and too much traffic. They did not have the Band participate. Walter noted that Dore' was not available this evening to update the Board. Walter said he wanted to see more done and commented on the fact that it is not well attended. Andy spoke about the ceremony and that we need to do a better job. Andy also noted Belle Choate's memo.

Peter spoke about this issue and suggested we reinstate the budget for celebrations such as Veterans' Day, Memorial Day and Fourth of July.

Mr. Farquhar spoke about the need to make this a better event. He wanted the Board involved. He felt that we need to plan a worthy ceremony to thank to Veterans' and to pass the tradition forward. He wants the Board to personally handle this as part of their duty. He wanted them to take personal ownership, and volunteered his help. Walter asked that this be brought back to the Board.

CLASS I CAR DEALERS LICENSE, VEHICLE DISPLAY INQUIRY, 76 POWDER MILL ROAD, ACTON FORD

Walter discussed the request for the Display inquiry. It is not a Zoning violation but Garry wanted to let the Board discuss it. Lauren said it sets a bad example and she discouraged the use of the ramps. Peter noted it is not in keeping with what we want regarding Class I & 11 Licenses. Walter had objection to these types of ramps. Andy noted that he felt it is a sign and the Town Manager will review this further.

OTHER BUSINESS

Andy referred to Lauren for reporting on her attendance at the expansion feasibility water resources meeting. They are in a dilemma as to what the expanded capacity is at the Treatment Plant and they need to see how far they can go.

Lauren asked that the Design Review Committee come in for 15 minutes at an upcoming BOS meeting.

CONSENT AGENDA

PETER ASHTON – Moved to approve, ANDREW MAGEE - second. UNANIMOUS VOTE

Hold Camp Fee. Walter asked that staff find out what justification was given. The Town Manager will review this and get back to the Board (Bring back to the Board maybe at Friday's special meeting.) Walter wanted back-up and clarification to request increases.

Hold Buy Down for ACHC. Walter outlined the issue of what the funds will be used for. PETER ASHTON - Moved to approve the buy down request. ANDREW MAGEE – second. UNANIMOUS VOTE.

TOWN MANAGER'S REPORT

EDWARD BRAVO, SITE PLAN CONTINUANCE RE-VOTE. PETER ASHTON –Moved to amend the motion taken on January 8, 2007 as follows: Move to continue the hearing for Site Plan #07/11/07-409, 288 Main Street, Edward Bravo, to February 26, at 7:20 P.M. ANDREW MAGEE – second. UNANIMOUS VOTE.

FIRE STATION NEEDS STUDY COMMITTEE RECOMMENDATION

Dore' has asked this be discussed in his absence tonight. The Board agreed with Don's suggestions.

SIDEWALK PRIORITIZATION TASK FORCE

Don thinks that we should have TAC and others with vested interests involved. Walter does not think we should have TAC handle this. Lauren said a there are a group of citizens around the town who support the list and their involvement would be helpful. Peter too said he did not want this dropped in TAC's lap.

EXECUTIVE SESSION

LAUREN ROSENZWEIG –Moved to go into Executive Session for the purpose of discussion of purchase of Real property. All AYES. UNANIMOUS

Recording Secty

Clerk, Board of Selectmen

Date

BOARD OF SELECTMEN & SEWER COMMISSIONERS'
MEETING AGENDA

Memorial Library Meeting Room

January 22, 2007

7:00 PM

I. CITIZENS' CONCERNS

II. PUBLIC HEARINGS AND APPOINTMENTS

1. 7:02 OPERATIONAL MINUTE

The Town Manager will provide a brief report on topics of interest.

2. 7:20 COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, BENGT MUTEN

Enclosed please find materials in the subject regard, for Board consideration.

3. 7:30 BOARD OF ASSESSORS OVERSIGHT MEETING

No materials enclosed.

4. 7:50 COMMITTEE INTERVIEW, TRANSPORTATION ADVISORY COMMITTEE, HARVEY BERLINER

Enclosed please find materials in the subject regard, for Board consideration.

5. 8:00 BOARD OF HEALTH OVERSIGHT COMMITTEE

Enclosed please find materials in the subject regard, for Board consideration.

6. 8:20 VOLUNTEER COORDINATING COMMITTEE OVERSIGHT MEETING

No materials enclosed.

7. 8:40 COMMITTEE INTERVIEW, ALTERNATE BOARD OF ASSESSORS, PAUL WEXELBLAT

Enclosed please find materials in the subject regard, for Board consideration.

8. 8:50 COMMITTEE INTERVIEW, HISTORIC DISTRICT COMMISSION, ELLIE HALSEY

Enclosed please find materials in the subject regard, for Board consideration.

9. 9:05 CHANGE OF MANAGER, NOT YOUR AVERAGE JOE'S, INC.

Enclosed please find materials in the subject regard, for Board consideration.

III. SELECTMEN'S BUSINESS

10. FY08 BUDGET DISCUSSION

Enclosed please find materials in the subject regard, for Board consideration.

- 11. OBSOLETE MATERIALS DISPOSAL, ACTON MEMORIAL LIBRARY**
Enclosed please find materials in the subject regard, for Board consideration.
- 12. SCHOOL COMMITTEE RESIGNATION, PROCESS FOR FILLING VACANCY**
Enclosed please find materials in the subject regard, for Board consideration.
- 13. SUBURBAN MOBILITY GRANT PROPOSAL**
Enclosed please find materials in the subject regard, for Board consideration. Selectmen Rosenzweig will speak to this request.
- 14. 2007 ANNUAL TOWN MEETING DATES**
Enclosed please find materials in the subject regard, for Board consideration.
- 15. VETERANS' DAY CEREMONY ISSUES**
Enclosed please find materials in the subject regard, for Board consideration.
- 16. CLASS I CAR DEALER LICENSE, VEHICLE DISPLAY INQUIRY, 76 POWDER MILL ROAD, ACTON FORD**
Enclosed please find materials in the subject regard, for Board consideration.
- 17. OTHER BUSINESS**

IV. CONSENT AGENDA

- 18. ASSABET RIVER RAIL TRAIL, DESIGN OPTIONS STUDY, BOARD OF SELECTMEN REPRESENTATION**
Enclosed please find materials in the subject regard, for Board consideration.
- 19. "MOTORCYCLES ARE EVERYWHERE" SIGN REQUEST, MASSACHUSETTS MOTORCYCLE ASSOCIATION**
Enclosed please find materials in the subject regard, for Board consideration.
- 20. CONDOMINIUM BUY DOWN PROGRAM EXPENDITURES REQUEST, ACTON COMMUNITY HOUSING CORPORATION**
Enclosed please find materials in the subject regard, for Board consideration.
- 21. STATE-WIDE CABLE FRANCHISING LEGISLATION, VERIZON**
Enclosed please find materials in the subject regard, for Board consideration.
- 22. 2007 YOUTH CAMP FEE RECOMMENDATION, NARA PARK**
Enclosed please find materials in the subject regard, for Board consideration.
- 23. ACCEPT GIFT, WEST ACTON CITIZENS' LIBRARY**
Enclosed please find a gift \$1,500.00 from the Friends of Acton Libraries, for Board consideration.

24. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$1,500.00 from Comcast Corp, for Winterfest 2007, for Board consideration.

25. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$100.00 from Acton Hardware, for Winterfest 2007, for Board consideration.

26. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of \$300.00 from Middlesex Bank, for Winterfest 2007, for Board consideration.

27. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of a fish tank valued at \$50.00 from the Fish Nook, for use by the Teen Repertory Theatre Group, for Board consideration.

28. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift certificate valued at \$25.00 from Not Your Average Joe's for use by the Teen Repertory Theatre Group, for Board consideration.

29. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift certificate valued at \$25.00 from Ralph Jordans for use by the Teen Repertory Theatre Group, for Board consideration.

30. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift certificate valued at \$25.00 from Kennedy and Company, for use by the Teen Repertory Theatre Group, for Board consideration.

31. ACCEPT GIFT, RECREATION COMMISSION

Enclosed please find a gift of wood products valued at \$80.00 from Concord Lumber, for use by the Teen Repertory Theatre Group, for Board consideration.

V. TOWN MANAGER'S REPORT

32. FIRE STATION NEEDS STUDY COMMITTEE RECOMMENDATION

Enclosed please find materials in the subject regard, for Board consideration.

33. SIDEWALK PRIORITIZATION TASK FORCE

Enclosed please find materials in the subject regard, for Board consideration.

VI. EXECUTIVE SESSION

There will be a need for Executive Session

ADDITIONAL INFORMATION

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas.

February 12 & 26

March 12 & 26